

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MANAGUA

C O N F I D E N T I A L STATE 224695

EXDIS

E.O. 11652: GDS

TAGS: AINF, OGEN, NU

SUBJECT: STATUS OF MRS. SOMOZA'S CITIZENSHIP

REF: MANAGUA 4218

1. SECTION 349(A)(4) PROVIDES THAT A PERSON WHO IS A NATIONAL OF THE UNITED STATES, WHETHER BY BIRTH OR NATURALIZATION, SHALL LOSE HIS NATIONALITY BY"(A) ACCEPTING, SERVING IN, OR PERFORMING THE DUTIES OF ANY OFFICE, POST, OR EMPLOYMENT UNDER THE GOVERNMENT OF A FOREIGN STATE OR A POLITICAL SUBDIVISION THEREOF, IF HE HAS OR ACQUIRES THE NATIONALITY OF SUCH FOREIGN STATE; OR (B) ACCEPTING, SERVING IN, OR PERFORMING THE DUTIES OF ANY OFFICE, POST, OR EMPLOYMENT UNDER THE GOVERNMENT OF A FOREIGN STATE OR A POLITICAL SUBDIVISION THEREOF, FOR WHICH OFFICE, POST, OR EMPLOYMENT AN OATH, AFFIRMATION, OR DECLARATION OF ALLEGIANCE IS REQUIRED."

2. IT WOULD APPEAR FROM STATUTE THAT IF SHE SHOULD SERVE
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AS ALTERNATE DELEGATE TO U.N. WITH RANK OF AEP,

MRS. SOMOZA WOULD LOSE U.S. NATIONALITY. QUESTION OF WHETHER SHE WOULD LOSE NATIONALITY IF NAMED AN "OBSERVER" OR ATTACHED IN SOME OTHER WAY TO NICARAGUAN DELEGATION TO U.N. WOULD DEPEND ON WHETHER SUCH STATUS WAS CONSIDERED AS FALLING UNDER ACT. MORE SPECIFIC QUESTION WOULD BE WHETHER SERVICE AS "OBSERVER" WOULD BE TANTAMOUNT TO "ACCEPTING, SERVING IN, OR PERFORMING THE DUTIES OF ANY OFFICE, POST, OR EMPLOYMENT" UNDER THE GOVERNMENT OF NICARAGUA (SUBSECTION (A)). IF SHE SHOULD SERVE AS "OBSERVER" OR IN ANY OTHER CAPACITY AS MEMBER OF DELEGATION, DEPARTMENT WOULD REVIEW APPLICATION OF STATUTE IN LIGHT OF FACTS. KISSINGER

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